

prosecution of the instant application.

### REMARKS

In the Interview Summary, it was indicated that the Office Action dated February 26, 2002 was denoted as "final" as a result of a typographical error in the Office Action Summary. Since the February 26th Office Action was not, in fact, final and in accordance with the instructions set forth in the Interview Summary, Applicants are entitling this paper a "Request for Reconsideration." Further, since this paper is understood to not be in response to a final Office Action, Applicants have not submitted herewith a Notice of Appeal and the fees associated therewith that would otherwise be required if this paper was in response to a final rejection.

With regard to the specific matters raised in the February 26, 2002 Office Action, claims 1-6 and 9-12 are pending. In the February 26th Office Action, all claims were rejected in light of two prior art references; the grounds for these prior art rejections were as stated in the Office Action dated November 30, 2000. In light of the arguments presented herein, the claims are believed to be in condition for allowance.

### Rejections under 35 U.S.C. § 103 in light of Jialanella and Fink

In a first ground of rejection of the claims, the Office Action contends that the claims are obvious over U.S. Patent No. 5,741,594 ("Jialanella") in view of the P.C.T. Publication No. WO93/15909 ("Fink"). In a second ground for rejection, the Office Action contends that the claims are obvious over Fink in view of Jialanella. Applicants respectfully contend that neither of these references operates as a proper reference against the claimed invention. As such, a *prima facie* case of obviousness has not been presented against the claimed invention.

Jialanella discloses a laminate comprising as a first substrate a substantially linear olefin polymer ("SLOP"). Superposing the first substrate is an adhesion promoter comprising a polar group functionalized polymer of a second SLOP. (See Jialanella at col. 2, lines 48-52.) Significantly, the laminate comprises a second substrate that is adhesively bonded to the first

substrate. (See Jialanella at col. 5, lines 42-45.) As described in each of the Examples and as specifically disclosed in claim 1 of Jialanella, the adhesion promoter serves as the mechanism for adhesion of the first substrate to the second substrate. (See Jialanella at Examples and claim 1.) That is, the adhesive is “sandwiched” between the first and second substrates. Thus, the reasonable reading of Jialanella’s disclosure is that the laminate itself is not an adhesive polymer.

Although Jialanella mentions that his laminates may be suitable for carpet backings, Jialanella’s does not disclose or suggest that his SLOP’s could function as an adhesive backing material. Rather, if Jialanella’s laminates are used in carpet backings, they could only serve as secondary carpet backings; an adhesive function would have to be provided by another material. Such an adhesive backing material is not suggested or disclosed in Jialanella. Accordingly, Applicants respectfully submit that Jialanella cannot serve as a proper primary reference against the claimed invention.

Fink discloses a method of extruding polyolefin polymer onto the back of a carpet thereby providing a recyclable carpet material. While Fink discloses that the broad genus of polyolefins are potentially suitable for use in the disclosed carpets, Fink expressly discloses that some polymers falling within this broad genus of polymers are not suitable for use for an adhesive polymer for a tufted carpet product.

In particular, in Tables A and D, Fink indicates that the species of polyethylene polymers provides a “Poor” bond strength when used as an adhesive polymer. (See Fink at pages 20 and 31-33, Tables A and D, respectively.) In light of this disclosure, one of ordinary skill in the art would not obtain a motivation or suggestion that polyethylene polymers could be used as an adhesive backing for use in tufted carpet products.

To the contrary, one of ordinary skill in the art would not find a motivation or suggestion to use a species of polyethylene that is not even disclosed in Fink *i.e.*, the homogenously branched ethylene polymers claimed in the instant application. To the contrary, as noted, Fink discloses that polyethylenes as a species of polyolefins are unsuitable for his invention. Thus, Fink in fact teaches away from the use of any polyethylene material as an adhesive polymer for

**ATTORNEY DOCKET NO. 19133.0029U2**  
**PATENT**

tufted carpet products. Accordingly, Applicants respectfully submit that Fink cannot serve as a proper primary reference against the claimed invention.

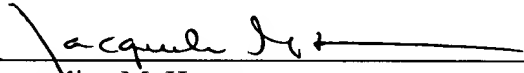
In light of the above arguments, it is contended that there are no references that can either alone or in combination provide a *prima facie* case of obviousness against the claimed invention. Applicants therefore respectfully request that the rejections be withdrawn.

**CONCLUSION**

The claims are believed to be in condition for allowance and Applicants respectfully seek notification of same.

A credit card payment of \$180.00 is submitted herewith to cover the fees for the submission of the Supplemental Information Disclosure Statement herewith. The \$400.00 fee for the Two-Month Extension of Time is also submitted herewith. No additional fee is believed due; however, the Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

  
\_\_\_\_\_  
Jacqueline M. Hutter  
Registration No. 44,792